

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 490**

**Introduced by Assembly Member Steinberg**

**(Coauthors: Assembly Members Cohn, Diaz, Frommer, Jackson, Koretz, Lieber, Maldonado, Maze, Mullin, Negrete McLeod, and Vargas)**

**(Coauthors: Senators Alpert, Kuehl, Perata, and Romero Romero, Scott, Soto, and Vasconcellos)**

February 14, 2003

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An act to amend Sections 48645.5, 48850, 49069.5, and ~~49076 of, 49076, and 56055 of~~, and to add Sections 48853 and 48853.5 to, the Education Code, and to amend Sections 361, ~~726~~ 366.27, 726, 727.2, 4570, and 16000 of the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 490, as amended, Steinberg. Education: foster youth.

(1) Existing law requires a school district to accept for credit any coursework satisfactorily completed by a student while in juvenile court school or in any county or state-operated institution.

This bill would instead require a school district and county office of education to accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency.

(2) Existing law requires every county office of education to make available to agencies that place children in licensed children's institutions information on educational options for children residing in

licensed children's institutions within its jurisdiction. Existing law requires every agency that places a child in a licensed children's institution to notify the local educational agency at the time a pupil is placed and requires a local educational agency to invite at least one noneducational agency representative that has placement responsibility for a pupil residing in a licensed children's institution to collaborate with the local educational agency in the monitoring of a placement in a nonpublic, nonsectarian school or agency.

This bill would declare the Legislature's intent to ensure that pupils in foster care and those who are homeless, as defined by specified federal law, have ~~the~~ *a meaningful* opportunity to meet the ~~same~~ academic achievement standards to which all pupils are held, are placed in the least restrictive educational ~~program~~ *programs*, and have access to the ~~same~~ academic resources ~~and~~, services, ~~and extracurricular and enrichment activities~~ as all other pupils.

The bill would require pupils placed in licensed children's institutions or foster family homes to attend programs operated by the local educational agency except as provided. The bill would require the parent, guardian, or person holding the right to make educational decisions for the pupil to first consider placement of the pupil in the regular public school before any decision to place the pupil in a juvenile court school and would authorize disputes on the educational *decisions or* placement of the pupil to be brought to the juvenile court for resolution.

The bill would require each local educational agency to designate a staff person as the educational liaison for foster youth who are a ward or dependent child of the court, to ensure *and facilitate* the proper *educational* placement, enrollment in school, and transfer between schools of foster youth and to assist foster youth when transferring schools or school districts, and would impose various related responsibilities on the liaisons. The bill would require the local educational agency serving a foster youth, at the initial detention *or* placement, or any subsequent change in placement of the foster youth, to allow the foster youth to continue his or her education in the school the youth is currently attending for the duration of the school year, except as provided. The bill would require the State Department of Education and local educational agencies to adopt policies and procedures to ensure that, under certain situations, transportation for a foster youth to and from the school the youth last attended is provided at the request of the liaison.



By imposing these additional duties involving foster youth upon local educational agencies, this bill would impose a state-mandated local program.

(3) Existing law requires a local educational agency with which a pupil in foster care has been most recently enrolled that has been informed of the next educational placement of the pupil to cooperate with the county social service or probation department to, upon request, ensure that the educational and other background record of the pupil, is transferred to the receiving local educational agency and the foster children services program in a timely manner.

This bill would delete those provisions and, instead, would provide that the timely transfer between schools of pupils in foster care is the responsibility of both the local educational agency and the county social service or probation department. The bill would require the social worker or probation officer, as soon as the social worker or probation officer becomes aware of the need to transfer the pupil between schools, to contact the appropriate person at the pupil's local educational agency regarding the transfer, and would also require the social worker or probation officer to retrieve the appropriate educational information and school records of the pupil and immediately forward them to the pupil's next educational placement. The bill would require the local educational agency, upon receiving the transfer request, to, within 2 business days, transfer the pupil and deliver the pupil's educational information and records to the ~~requesting party~~ *next educational placement*. By imposing a higher level of service on these local agencies, the bill would impose a state-mandated local program.

(4) Existing law prohibits a school district from permitting access to pupil records to any person without parental consent or without a judicial order, except under certain circumstances, including access by a probation officer or district attorney for the purposes of conducting a criminal investigation, or an investigation regarding the declaration of a person to be a ward of the court, or involving a violation of a condition of probation.

This bill would also authorize a school district to permit access to any social worker for the purpose of conducting a child dependency investigation or preparing a case plan or court report required by law, *or assisting with the school transfer or placement of a pupil*.

(5) *Existing law permits a foster parent to represent the foster child for the duration of the foster parent-foster child relationship in matters relating to public education of the foster child.*



*This bill would limit the representation to situations in which the foster child is placed in a planned permanent living arrangement and in which the juvenile court has limited the right of the parent or guardian to make educational decisions.*

(6) Existing law authorizes a court to limit the control exercised over a minor by a parent or guardian in all cases where the minor is adjudged a ward or dependent child of the court and requires a court, if it does limit this control, to appoint a person to make educational decisions for the child.

This bill would authorize a court to resolve any dispute between the person appointed to make educational decisions for the child and the child's dependency or delinquency attorney, court-appointed special advocate, care provider, or placing agency ~~of the child~~ regarding the child's educational ~~plan or~~ and school placement decisions.

~~(6)~~

(7) Existing law requires area boards on developmental disabilities to, with the consent of the consumer and, when appropriate, a family member, conduct life quality assessments, as provided, with consumers living in out-of-home placements, supported living arrangements, or independent living arrangements. Existing law requires the area board to develop a report of its findings following each life quality assessment and to provide a copy of the report to the consumer, when appropriate, family members, and the regional center providing case management services to the consumer.

This bill would authorize a life quality assessment to be conducted with the consent of the juvenile court or social services agency if the consumer is a dependent of the juvenile court and would require the area board to provide a copy of the life quality assessment of that consumer, upon request, to the court or social services agency.

(8) This bill would further declare the intent of the Legislature to ensure that a pupil in foster care or who is homeless, as defined by specified federal law, has the opportunity to meet the ~~same~~ academic achievement standards to which all pupils are held, is placed in the least restrictive educational ~~program~~ programs, and has access to the ~~same~~ academic resources ~~and~~, services, and extracurricular and enrichment activities as all other pupils.

~~(7)~~

(9) The bill would also update cross-references and make conforming and other technical changes.



(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 48645.5 of the Education Code is  
2 amended to read:  
3 48645.5. Each public school district and county office of  
4 education shall accept for credit full or partial coursework  
5 satisfactorily completed by a pupil while attending a public school,  
6 juvenile court school, or nonpublic, nonsectarian school or  
7 agency. The coursework shall be transferred by means of the  
8 standard state transcript. If a pupil completes the graduation  
9 requirements of his or her school district of residence while being  
10 detained, the school district of residence shall issue to the pupil a  
11 diploma from the school the pupil last attended before detention  
12 or in the alternative, the county superintendent of schools may  
13 issue the diploma.  
14 SEC. 2. Section 48850 of the Education Code is amended to  
15 read:  
16 48850. (a) It is the intent of the Legislature to ensure that all  
17 pupils in foster care and those who are homeless as defined by the  
18 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.  
19 Sec. 11301 et seq.) have ~~the~~ *a meaningful* opportunity to meet the  
20 ~~same~~ challenging state pupil academic achievement standards to  
21 which all pupils are held. In fulfilling their responsibilities to these  
22 pupils, educators, placing agencies, *county probation officers,*  
23 *county social workers,* care providers, advocates, and the juvenile  
24 courts shall work together to *maintain stable school placements*

1 *and to ensure that each pupil is placed in the least restrictive*  
2 ~~educational program, and has access to the same academic~~  
3 ~~resources and services programs, and has access to the academic~~  
4 *resources, services, and extracurricular and enrichment activities*  
5 that are available to all pupils. In all instances, educational and  
6 school placement decisions must be based on the best interests of  
7 the child.

8 (b) Every county office of education shall make available to  
9 agencies that place children in licensed children's institutions  
10 information on educational options for children residing in  
11 licensed children's institutions within the jurisdiction of the  
12 county office of education for use by the placing agencies in  
13 assisting parents and foster children to choose educational  
14 placements.

15 (c) For purposes of individuals with exceptional needs residing  
16 in licensed children's institutions, making a copy of the annual  
17 service plan, prepared pursuant to subdivision ~~(g)~~ (b) of Section  
18 56205, available to those special education local plan areas that  
19 have revised their local plans pursuant to Section 56836.03 shall  
20 meet the requirements of subdivision (b).

21 SEC. 3. Section 48853 is added to the Education Code, to  
22 read:

23 48853. (a) A pupil placed in a licensed children's institution  
24 or foster family home shall attend programs operated by the local  
25 educational agency, unless the pupil has an ~~individual education~~  
26 ~~plan~~ *individualized education program* requiring placement in a  
27 nonpublic, nonsectarian school or agency, *or in another local*  
28 *educational agency.*

29 (b) Before any decision is made to place a pupil in a juvenile  
30 court school as defined by Section 48645.1, the parent or guardian,  
31 or the person holding the right to make educational decisions for  
32 the pupil pursuant to Section 361 or 726 of the Welfare and  
33 Institutions Code or Section 56055, shall first consider placement  
34 in the regular public school. Any dispute between the person  
35 holding the right to make educational decisions for the pupil and  
36 the *dependency or delinquency* attorney of the pupil,  
37 court-appointed special advocate, care provider, or placing agency  
38 regarding the educational ~~plan~~ *decisions* or placement of the pupil  
39 in a juvenile court school may be brought to the juvenile court for

1 resolution. In all instances, educational and school placement  
2 decisions shall be based on the best interests of the child.

3 (c) If any dispute arises as to the school placement of a pupil  
4 subject to this section, the pupil has the right to remain in his or her  
5 ~~current school~~ *school of origin, as defined in subdivision (d) of*  
6 *Section 48853.5*, pending resolution of the dispute.

7 SEC. 4. Section 48853.5 is added to the Education Code, to  
8 read:

9 48853.5. (a) This section applies to any foster youth who *has*  
10 *been removed from his or her home or is the subject of a proceeding*  
11 *petition filed* under Section 300 or 602 of the Welfare and  
12 Institutions Code.

13 (b) Each local educational agency shall designate a staff person  
14 as the educational liaison for foster youth. The liaison shall do ~~both~~  
15 *all* of the following:

16 (1) ~~Ensure the proper~~ *and facilitate the proper educational*  
17 *placement, enrollment in school, and checkout from school of*  
18 *foster youth.*

19 (2) Assist foster youth when transferring from one school to  
20 another or from one school district to another in ~~assuring~~ *ensuring*  
21 proper transfer of credits, records, and grades.

22 (c) (1) At the initial detention or placement, or any subsequent  
23 change in placement of a foster youth, the local educational agency  
24 serving the foster youth shall allow the foster youth to continue his  
25 or her education in the school of origin for the duration of the  
26 academic school year.

27 (2) The liaison, in consultation with and the agreement of the  
28 foster youth and the person holding the right to make educational  
29 decisions for the youth may, in accordance with the youth's best  
30 interest, waive the youth's right to attend the school of origin and  
31 enroll the youth in any public school that pupils living in the  
32 attendance area in which the youth resides are eligible to attend.

33 (3) The State Department of Education and the local  
34 educational agencies shall adopt policies and practices to ensure  
35 that transportation is provided at the request of the liaison, in  
36 consultation with and the agreement of the foster youth and the  
37 person holding the right to make educational decisions for the  
38 youth, to and from the school of origin, in accordance with the  
39 following, as applicable:



1 (A) If the foster youth continues to live in the area served by the  
2 local educational agency in which the school of origin is located,  
3 the youth's transportation to and from the school of origin shall be  
4 provided or arranged by the local educational agency in which the  
5 school of origin is located.

6 ~~(B) If the foster youth is living outside the jurisdiction of the~~  
7 ~~local educational agency of the school of origin, the local~~  
8 ~~educational agency with jurisdiction of the area in which the youth~~  
9 ~~is living and the local educational agency of the school of origin~~

10 (B) *If the foster youth is living in an area served by another*  
11 *local educational agency, the local educational agency of the*  
12 *school of origin and the local educational agency serving the area*  
13 *in which the foster youth is living shall agree upon a method to*  
14 *apportion the responsibility and costs for providing the youth with*  
15 *transportation to and from the school of origin. If the local*  
16 *educational agencies are unable to agree upon the method of*  
17 *apportionment, the responsibility and costs for transportation shall*  
18 *be shared equally.*

19 (4) Prior to making any recommendation to move a foster  
20 youth from his or her school of origin, the liaison shall provide the  
21 youth and the person holding the right to make educational  
22 decisions for the youth with a written explanation stating the basis  
23 for the recommendation and how this recommendation serves the  
24 youth's best interest.

25 (5) (A) If the liaison in consultation with the foster youth and  
26 the person holding the right to make educational decisions for the  
27 youth agree that the best interests of the youth would be served by  
28 his or her transfer to a school other than the school of origin, the  
29 youth shall immediately be enrolled in the new school.

30 (B) ~~The local educational agency with jurisdiction over the~~  
31 ~~new school shall immediately enroll the foster youth even if the~~  
32 ~~youth is unable to produce records or clothing normally required~~  
33 ~~for enrollment, such as a school uniform, previous academic~~  
34 ~~records, medical records, proof of residency, or other~~  
35 ~~documentation. documentation, or school uniforms.~~

36 (C) The liaison for the ~~enrolling~~ *new* school shall, within two  
37 business days of the youth's request for enrollment, contact the  
38 school last attended by the youth to obtain all academic and other  
39 records. The school liaison for the school last attended shall



1 provide all records to the ~~enrolling~~ *new* school within two business  
2 days of receiving the request.

3 (6) If any dispute arises ~~as to the school placement of a foster~~  
4 ~~youth~~ *regarding the request of a foster youth to remain in the*  
5 *school of origin*, the youth has the right to remain in the school of  
6 origin pending resolution of the dispute.

7 (d) For purposes of this section, “school of origin” means the  
8 school that the foster youth attended when permanently housed or  
9 the school in which the youth was last enrolled.

10 SEC. 5. Section 49069.5 of the Education Code is amended  
11 to read:

12 49069.5. (a) The Legislature finds and declares that the  
13 mobility of pupils in foster care often disrupts their educational  
14 experience. The Legislature also finds that efficient transfer  
15 procedures and transfer of pupil records is a critical factor in the  
16 swift placement of foster children in educational settings.

17 (b) The proper and timely transfer between schools of a pupil  
18 in foster care that are in out of home care is the responsibility of  
19 both the local educational agency ~~and~~ *is* the county social service  
20 or probation department.

21 (c) As soon as the social worker or probation officer becomes  
22 aware of the need to transfer a pupil in foster care out of his or her  
23 current school, the social worker or probation officer shall contact  
24 the appropriate person at the local educational agency of the pupil.  
25 The social worker or probation officer shall notify the local  
26 educational agency that the pupil will be leaving the school and  
27 request that the pupil be transferred out. No later than two business  
28 days after the initial request, the social worker or probation officer  
29 shall retrieve the appropriate educational information and school  
30 records and immediately forward the information and records to  
31 the next educational placement of the pupil.

32 (d) Upon receiving a transfer request from a social worker or  
33 probation officer, the local educational agency shall, within two  
34 business days, transfer the pupil out of school and deliver the  
35 educational information and records of the pupil to the ~~requesting~~  
36 ~~party~~ *next educational placement*.

37 (e) As part of the transfer process described under ~~subdivision~~  
38 *subdivisions (c) and (d)*, the local educational agency shall  
39 compile the complete educational record of the pupil including a  
40 determination of seat time, *full or partial* credits earned, current

1 classes and grades, immunization *and other* records, and, if  
2 ~~appropriate~~ *applicable*, a copy of the pupil's plan adopted  
3 pursuant to Section 504 of the federal Rehabilitation Act of 1973  
4 (29 U.S.C. Sec. 794 et seq.) or ~~individual education plan~~  
5 *individualized education program* adopted pursuant to the federal  
6 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400  
7 et seq.).

8 (f) The local educational agency shall assign the duties listed in  
9 this section to a person competent to handle the transfer procedure  
10 and aware of the specific educational record keeping needs of  
11 homeless, foster, and other transient children who transfer  
12 between schools.

13 (g) The local educational agency shall ensure that if the pupil  
14 in foster care is absent from school due to a decision to change the  
15 placement of a pupil made by a court or placing agency, the grades  
16 and credits of the pupil will be calculated as of the date the pupil  
17 left school, and no lowering of grades will occur as a result of the  
18 absence of the pupil under these circumstances.

19 (h) *The local educational agency shall ensure that if the pupil*  
20 *in foster care is absent from school due to a verified court*  
21 *appearance or related court ordered activity, no lowering of his or*  
22 *her grades will occur as a result of the absence of the pupil under*  
23 *these circumstances.*

24 SEC. 6. Section 49076 of the Education Code is amended to  
25 read:

26 49076. A school district is not authorized to permit access to  
27 pupil records to any person without written parental consent or  
28 under judicial order except that:

29 (a) Access to those particular records relevant to the legitimate  
30 educational interests of the requester shall be permitted to the  
31 following:

32 (1) School officials and employees of the district, members of  
33 a school attendance review board appointed pursuant to Section  
34 48321, and any volunteer aide, 18 years of age or older, who has  
35 been investigated, selected, and trained by a school attendance  
36 review board for the purpose of providing followup services to  
37 pupils referred to the school attendance review board, provided  
38 that the person has a legitimate educational interest to inspect a  
39 record.

1 (2) Officials and employees of other public schools or school  
2 systems, including local, county, or state correctional facilities  
3 where educational programs leading to high school graduation are  
4 provided or where the pupil intends to or is directed to enroll,  
5 subject to the rights of parents as provided in Section 49068.

6 (3) Authorized representatives of the Comptroller General of  
7 the United States, the Secretary of Education, and administrative  
8 head of an education agency, state education officials, or their  
9 respective designees, or the United States Office of Civil Rights,  
10 where the information is necessary to audit or evaluate a state or  
11 federally supported education program or pursuant to a federal or  
12 state law, provided that except when collection of personally  
13 identifiable information is specifically authorized by federal law,  
14 any data collected by those officials shall be protected in a manner  
15 which will not permit the personal identification of ~~students~~ *pupils*  
16 or their parents by other than those officials, and any personally  
17 identifiable data shall be destroyed when no longer needed for the  
18 audit, evaluation, and enforcement of federal legal requirements.

19 (4) Other state and local officials to the extent that information  
20 is specifically required to be reported pursuant to state law adopted  
21 prior to November 19, 1974.

22 (5) Parents of a pupil 18 years of age or older who is a  
23 dependent as defined in Section 152 of the Internal Revenue Code  
24 of 1954.

25 (6) A pupil 16 years of age or older or having completed the  
26 10th grade who requests access.

27 (7) Any district attorney who is participating in or conducting  
28 a truancy mediation program pursuant to Section 48263.5, or  
29 Section 601.3 of the Welfare and Institutions Code, or  
30 participating in the presentation of evidence in a truancy petition  
31 pursuant to Section 681 of the Welfare and Institutions Code.

32 (8) A prosecuting agency for consideration against a parent or  
33 guardian for failure to comply with the Compulsory Education  
34 Law (Chapter 2 (commencing with Section 48200) of Part 27) or  
35 with Compulsory Continuation Education (Chapter 3  
36 (commencing with Section 48400) of Part 27).

37 (9) Any probation officer or district attorney for the purposes  
38 of conducting a criminal investigation or an investigation in  
39 regards to declaring a person a ward of the court or involving a  
40 violation of a condition of probation.

1 (10) Any judge or probation officer for the purpose of  
2 conducting a truancy mediation program for a pupil, or for  
3 purposes of presenting evidence in a truancy petition pursuant to  
4 Section 681 of the Welfare and Institutions Code. The judge or  
5 probation officer shall certify in writing to the school district that  
6 the information will be used only for truancy purposes. A school  
7 district releasing pupil information to a judge or probation officer  
8 pursuant to this paragraph shall inform, or provide written  
9 notification to, the parent or guardian of the pupil within 24 hours  
10 of the release of the information.

11 (11) Any social worker for the purpose of conducting an  
12 investigation pursuant to Section 300 of the Welfare and  
13 Institutions Code or preparing a case plan or court report required  
14 by law, *or assisting with the school transfer or placement of a*  
15 *pupil.*

16 (b) School districts may release information from pupil records  
17 to the following:

18 (1) Appropriate persons in connection with an emergency if the  
19 knowledge of the information is necessary to protect the health or  
20 safety of a ~~student~~ *pupil* or other persons.

21 (2) Agencies or organizations in connection with the  
22 application of a pupil for, or receipt of, financial aid. However,  
23 information permitting the personal identification of a pupil or his  
24 or her parents may be disclosed only as may be necessary for  
25 purposes as to determine the eligibility of the pupil for financial  
26 aid, to determine the amount of the financial aid, to determine the  
27 conditions which will be imposed regarding the financial aid, or  
28 to enforce the terms or conditions of the financial aid.

29 (3) The county elections official, for the purpose of identifying  
30 pupils eligible to register to vote, and for conducting programs to  
31 offer pupils an opportunity to register to vote. The information,  
32 however, shall not be used for any other purpose or given or  
33 transferred to any other person or agency.

34 (4) Accrediting associations in order to carry out their  
35 accrediting functions.

36 (5) Organizations conducting studies for, or on behalf of,  
37 educational agencies or institutions for the purpose of developing,  
38 validating, or administering predictive tests, administering student  
39 aid programs, and improving instruction, if the studies are  
40 conducted in a manner that will not permit the personal



1 identification of pupils or their parents by persons other than  
2 representatives of the organizations and the information will be  
3 destroyed when no longer needed for the purpose for which it is  
4 obtained.

5 (6) Officials and employees of private schools or school  
6 systems where the pupil is enrolled or intends to enroll, subject to  
7 the rights of parents as provided in Section 49068. This  
8 information shall be in addition to the pupil's permanent record  
9 transferred pursuant to Section 49068.

10 A person, persons, agency, or organization permitted access to  
11 pupil records pursuant to this section may not permit access to any  
12 information obtained from those records by any other person,  
13 persons, agency, or organization without the written consent of the  
14 pupil's parent. However, this paragraph does not require prior  
15 parental consent when information obtained pursuant to this  
16 section is shared with other persons within the educational  
17 institution, agency, or organization obtaining access, so long as  
18 those persons have a legitimate interest in the information.

19 (c) Notwithstanding any other provision of law, any school  
20 district, including any county office of education or  
21 superintendent of schools, may participate in an interagency data  
22 information system that permits access to a computerized data  
23 base system within and between governmental agencies or  
24 districts as to information or records which are nonprivileged, and  
25 where release is authorized as to the requesting agency under state  
26 or federal law or regulation, if each of the following requirements  
27 are met:

28 (1) Each agency and school district shall develop security  
29 procedures or devices by which unauthorized personnel cannot  
30 access data contained in the system.

31 (2) Each agency and school district shall develop procedures or  
32 devices to secure privileged or confidential data from  
33 unauthorized disclosure.

34 (3) Each school district shall comply with the access log  
35 requirements of Section 49064.

36 (4) The right of access granted shall not include the right to add,  
37 delete, or alter data without the written permission of the agency  
38 holding the data.

39 (5) An agency or school district may not make public or  
40 otherwise release information on an individual contained in the

1 data base where the information is protected from disclosure or  
2 release as to the requesting agency by state or federal law or  
3 regulation.

4 SEC. 7. *Section 56055 of the Education Code is amended to*  
5 *read:*

6 56055. (a) (1) Except as provided in ~~subdivision (b)~~  
7 *subdivisions (b), (c), and (d)*, a foster parent ~~shall~~ *may exercise*, to  
8 the extent permitted by federal law, including, but not limited to,  
9 Section 300.20 of Title 34 of the Code of Federal Regulations,  
10 ~~have~~ the rights related to his or her foster child's education that a  
11 parent has under Title 20 (commencing with Section 1400) of the  
12 United States Code and pursuant to Part 300 (commencing with  
13 Section 300.1) of Title 34 of the Code of Federal Regulations. The  
14 foster parent may represent the foster child for the duration of the  
15 foster parent-foster child relationship in matters relating to  
16 identification, assessment, instructional planning and  
17 development, educational placement, reviewing and revising an  
18 individualized education program, if necessary, and in all other  
19 matters relating to the provision of a free appropriate public  
20 education of the child. Notwithstanding any other provision of  
21 law, this representation shall include the provision of written  
22 consent to the individualized education program, including  
23 nonemergency medical services, mental health treatment services,  
24 and occupational or physical therapy services pursuant to this  
25 chapter. The foster parent may sign any consent relating to  
26 individualized education program purposes.

27 (2) A foster parent exercising rights relative to a foster child  
28 under this section may consult with the parent or guardian of the  
29 child to ensure continuity of health, mental health, or other  
30 services.

31 (b) A foster parent who had been excluded by court order from  
32 making educational decisions on behalf of a pupil ~~shall~~ *does not*  
33 have the rights relative to the pupil set forth in subdivision (a).

34 (c) *This section only applies if the juvenile court has limited the*  
35 *right of the parent or guardian to make educational decisions on*  
36 *behalf of the child, and the child has been placed in a planned*  
37 *permanent living arrangement pursuant to paragraph (3) of*  
38 *subdivision (g) of Section 366.21, Section 366.22, or Section*  
39 *366.26 of the Welfare and Institutions Code.*



(d) *For purposes of this section, a foster parent shall include a person, relative caretaker, or nonrelative extended family member as defined in Section 362.7 of the Welfare and Institutions Code, who has been licensed or approved by the county welfare department, or has been approved by the juvenile court.*

SEC. 8. Section 361 of the Welfare and Institutions Code is amended to read:

361. (a) In all cases in which a minor is adjudged a dependent child of the court on the ground that the minor is a person described by Section 300, the court may limit the control to be exercised over the dependent child by any parent or guardian and shall by its order clearly and specifically set forth all those limitations. Any limitation on the right of the parent or guardian to make educational decisions for the child shall be specifically addressed in the court order. The limitations may not exceed those necessary to protect the child. If the court specifically limits the right of the parent or guardian to make educational decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions for the child until one of the following occurs:

(1) The minor reaches 18 years of age, unless the child chooses not to make educational decisions for himself or herself, or is deemed by the court to be incompetent.

(2) Another responsible adult is appointed to make educational decisions for the minor pursuant to this section.

(3) The right of the parent or guardian to make educational decisions for the minor is fully restored.

(4) A successor guardian or conservator is appointed.

(5) The child is placed into ~~long-term foster care~~ *a planned permanent living arrangement* pursuant to paragraph (3) of subdivision (g) of Section 366.21, Section 366.22, or Section 366.26, at which time the foster ~~parent shall have~~ *parent, relative caretaker, or nonrelative extended family member as defined in Section 362.7* has the right to represent the child in educational matters pursuant to Section 56055 of the Education Code.

An individual who would have a conflict of interest in representing the child may not be appointed to make educational decisions. For purposes of this section, “an individual who would have a conflict of interest,” means a person having any interests that might restrict or bias his or her ability to make educational



1 decisions, including, but not limited to, those conflicts of interest  
2 prohibited by Section 1126 of the Government Code, and the  
3 receipt of compensation or attorneys' fees for the provision of  
4 services pursuant to this section. A foster parent may not be  
5 deemed to have a conflict of interest solely because he or she  
6 receives compensation for the provision of services pursuant to  
7 this section.

8 ~~Any dispute between the person appointed to make educational~~  
9 ~~decisions for the child and the attorney, court-appointed special~~  
10 ~~advocate, care provider, or placing agency of the child regarding~~  
11 ~~the educational plan or placement of the child may be resolved by~~  
12 ~~the court. If the court is unable to appoint a responsible adult to~~  
13 ~~make educational decisions for the child, the court may, with input~~  
14 ~~from any interested persons, make decisions regarding the~~  
15 ~~educational plan or placement of the child. All educational~~  
16 ~~decisions shall seek to ensure that the child is in the least restrictive~~  
17 ~~educational program and has access to the same academic~~  
18 ~~resources and services that are available to all pupils. In all~~  
19 ~~instances, educational and school placement decisions shall be~~  
20 ~~based on the best interests of the child.~~

21 *Any dispute between the person appointed to make educational*  
22 *decisions for the child and the child's dependency or delinquency*  
23 *attorney, court-appointed special advocate, care provider, or*  
24 *placing agency regarding educational and school placement*  
25 *decisions concerning the child may be resolved by the juvenile*  
26 *court. If the court is unable to appoint a responsible adult to make*  
27 *educational decisions for the child, the court may, with input from*  
28 *any interested persons, make educational and school placement*  
29 *decisions concerning the child. All educational and school*  
30 *placement decisions shall seek to ensure that the child is in the least*  
31 *restrictive educational programs and has access to the academic*  
32 *resources, services, and extracurricular and enrichment activities*  
33 *that are available to all pupils. In all instances, educational and*  
34 *school placement decisions shall be based on the best interests of*  
35 *the child.*

36 (b) Subdivision (a) does not limit the ability of a parent to  
37 voluntarily relinquish his or her child to the State Department of  
38 Social Services or to a licensed county adoption agency at any time  
39 while the child is a dependent child of the juvenile court, if the  
40 department or agency is willing to accept the relinquishment.

1 (c) A dependent child may not be taken from the physical  
2 custody of his or her parents or guardian or guardians with whom  
3 the child resides at the time the petition was initiated, unless the  
4 juvenile court finds clear and convincing evidence of any of the  
5 following:

6 (1) There is a substantial danger to the physical health, safety,  
7 protection, or physical or emotional well-being of the minor or  
8 would be if the minor were returned home, and there are no  
9 reasonable means by which the minor's physical health can be  
10 protected without removing the minor from the minor's parents'  
11 or guardians' physical custody. The fact that a minor has been  
12 adjudicated a dependent child of the court pursuant to subdivision  
13 (e) of Section 300 shall constitute prima facie evidence that the  
14 minor cannot be safely left in the custody of the parent or guardian  
15 with whom the minor resided at the time of injury. The court shall  
16 consider, as a reasonable means to protect the minor, the option of  
17 removing an offending parent or guardian from the home. The  
18 court shall also consider, as a reasonable means to protect the  
19 minor, allowing a nonoffending parent or guardian to retain  
20 custody as long as that parent or guardian presents a plan  
21 acceptable to the court demonstrating that he or she will be able to  
22 protect the child from future harm.

23 (2) The parent or guardian of the minor is unwilling to have  
24 physical custody of the minor, and the parent or guardian has been  
25 notified that if the minor remains out of their physical custody for  
26 the period specified in Section 366.25 or 366.26, the minor may  
27 be declared permanently free from their custody and control.

28 (3) The minor is suffering severe emotional damage, as  
29 indicated by extreme anxiety, depression, withdrawal, or  
30 untoward aggressive behavior toward himself or herself or others,  
31 and there are no reasonable means by which the minor's emotional  
32 health may be protected without removing the minor from the  
33 physical custody of his or her parent or guardian.

34 (4) The minor or a sibling of the minor has been sexually  
35 abused, or is deemed to be at substantial risk of being sexually  
36 abused, by a parent, guardian, or member of his or her household,  
37 or other person known to his or her parent, and there are no  
38 reasonable means by which the minor can be protected from  
39 further sexual abuse or a substantial risk of sexual abuse without

1 removing the minor from his or her parent or guardian, or the  
2 minor does not wish to return to his or her parent or guardian.

3 (5) The minor has been left without any provision for his or her  
4 support, or a parent who has been incarcerated or institutionalized  
5 cannot arrange for the care of the minor, or a relative or other adult  
6 custodian with whom the child has been left by the parent is  
7 unwilling or unable to provide care or support for the child and the  
8 whereabouts of the parent is unknown and reasonable efforts to  
9 locate him or her have been unsuccessful.

10 (d) The court shall make a determination as to whether  
11 reasonable efforts were made to prevent or to eliminate the need  
12 for removal of the minor from his or her home or, if the minor is  
13 removed for one of the reasons stated in paragraph (5) of  
14 subdivision (c), whether it was reasonable under the circumstances  
15 not to make any of those efforts. The court shall state the facts on  
16 which the decision to remove the minor is based.

17 (e) The court shall make all of the findings required by  
18 subdivision (a) of Section 366 in either of the following  
19 circumstances:

20 (1) The minor has been taken from the custody of his or her  
21 parent or guardian and has been living in an out-of-home  
22 placement pursuant to Section 319.

23 (2) The minor has been living in a voluntary out-of-home  
24 placement pursuant to Section 16507.4.

25 ~~SEC. 8.—~~

26 *SEC. 9. Section 366.27 of the Welfare and Institutions Code*  
27 *is amended to read:*

28 366.27. ~~When~~ (a) If a court, pursuant to paragraph (3) of  
29 subdivision (g) of Section 366.21, Section 366.22, or Section  
30 366.26, orders the placement of a minor in ~~long-term foster care~~  
31 *a planned permanent living arrangement* with a relative, the court  
32 may authorize the relative to provide the same legal consent for the  
33 minor's medical, surgical, and dental care, and education as the  
34 custodial parent of the minor.

35 (b) *If a court orders the placement of a minor in a planned*  
36 *permanent living arrangement with a foster parent, relative*  
37 *caretaker, or nonrelative extended family member as defined in*  
38 *Section 362.7, the court may limit the right of the minor's parent*  
39 *or guardian to make educational decisions on the minor's behalf,*  
40 *so that the foster parent, relative caretaker, or nonrelative extended*

1 *family member may exercise the educational consent duties*  
2 *pursuant to Section 56055 of the Education Code.*

3 *(c) If a court orders the placement of a minor in a planned*  
4 *permanent living arrangement, for purposes of this section, a*  
5 *foster parent shall include a person, relative caretaker, or a*  
6 *nonrelative extended family member as defined in Section 362.7,*  
7 *who has been licensed or approved by the county welfare*  
8 *department, or has been approved by the juvenile court.*

9 SEC. 10. Section 726 of the Welfare and Institutions Code is  
10 amended to read:

11 726. (a) In all cases in which a minor is adjudged a ward or  
12 dependent child of the court, the court may limit the control to be  
13 exercised over the ward or dependent child by any parent or  
14 guardian and shall in its order, clearly and specifically set forth all  
15 those limitations, but no ward or dependent child shall be taken  
16 from the physical custody of a parent or guardian, unless upon the  
17 hearing the court finds one of the following facts:

18 (1) That the parent or guardian is incapable of providing or has  
19 failed or neglected to provide proper maintenance, training, and  
20 education for the minor.

21 (2) That the minor has been tried on probation while in custody  
22 and has failed to reform.

23 (3) That the welfare of the minor requires that custody be taken  
24 from the minor's parent or guardian.

25 (b) Whenever the court specifically limits the right of the  
26 parent or guardian to make educational decisions for the minor, the  
27 court shall at the same time appoint a responsible adult to make  
28 educational decisions for the child until one of the following  
29 occurs:

30 (1) The minor reaches 18 years of age, unless the child  
31 chooses not to make educational decisions for himself or herself,  
32 or is deemed by the court to be incompetent.

33 (2) Another responsible adult is appointed to make educational  
34 decisions for the minor pursuant to this section.

35 (3) The right of the parent or guardian to make educational  
36 decisions for the minor is fully restored.

37 (4) A successor guardian or conservator is appointed.

38 (5) The child is placed into ~~long-term foster care~~ *a planned*  
39 *permanent living arrangement* pursuant to paragraph (3) of  
40 subdivision (g) of Section 366.21, Section 366.22, ~~or Section~~

~~366.26~~ Section 366.26, or paragraph (5) or (6) of subdivision (b) of Section 727.3, at which time the foster parent shall have parent, relative caretaker, or nonrelative extended family member as defined in Section 362.7 has the right to represent the child in educational matters pursuant to Section 56055 of the Education Code.

An individual who would have a conflict of interest in representing the child, as specified under federal regulations, may not be appointed to make educational decisions. For purposes of this section, “an individual who would have a conflict of interest,” means a person having any interests that might restrict or bias his or her ability to make educational decisions, including, but not limited to, those conflicts of interest prohibited by Section 1126 of the Government Code, and the receipt of compensation or attorneys’ fees for the provision of services pursuant to this section. A foster parent may not be deemed to have a conflict of interest solely because he or she receives compensation for the provision of services pursuant to this section.

~~Any dispute between the person appointed to make educational decisions for the child and the attorney, court-appointed special advocate, care provider, or placing agency of the child regarding the educational plan or placement of the child may be resolved by the court. If the court is unable to appoint a responsible adult to make educational decisions for the child, the court may, with input from any interested persons, make decisions regarding the education plan or placement of the child. All educational decisions shall seek to ensure that the child is in the least restrictive educational program and has access to the same academic resources and services that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child.~~

*Any dispute between the person appointed to make educational decisions for the child and the child’s dependency or delinquency attorney, court-appointed special advocate, care provider, or placing agency regarding educational and school placement decisions concerning the child may be resolved by the juvenile court. If the court is unable to appoint a responsible adult to make educational decisions for the child, the court may, with input from any interested persons, make educational and school placement decisions concerning the child. All educational and school*

*placement decisions shall seek to ensure that the child is in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child.*

(c) If the minor is removed from the physical custody of his or her parent or guardian as the result of an order of wardship made pursuant to Section 602, the order shall specify that the minor may not be held in physical confinement for a period in excess of the maximum term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court.

As used in this section and in Section 731, “maximum term of imprisonment” means the longest of the three time periods set forth in paragraph (2) of subdivision (a) of Section 1170 of the Penal Code, but without the need to follow the provisions of subdivision (b) of Section 1170 of the Penal Code or to consider time for good behavior or participation pursuant to Sections 2930, 2931, and 2932 of the Penal Code, plus enhancements which must be proven if pled.

If the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, including previously sustained petitions adjudging the minor a ward within Section 602, the “maximum term of imprisonment” shall be the aggregate term of imprisonment specified in subdivision (a) of Section 1170.1 of the Penal Code, which includes any additional term imposed pursuant to Section 667, 667.5, 667.6, or 12022.1 of the Penal Code, and Section 11370.2 of the Health and Safety Code.

If the charged offense is a misdemeanor or a felony not included within the scope of Section 1170 of the Penal Code, the “maximum term of imprisonment” is the longest term of imprisonment prescribed by law.

“Physical confinement” means placement in a juvenile hall, ranch, camp, forestry camp or secure juvenile home pursuant to Section 730, or in any institution operated by the Youth Authority.

This section does not limit the power of the court to retain jurisdiction over a minor and to make appropriate orders pursuant to Section 727 for the period permitted by Section 607.



1 ~~SEC. 9.—~~

2 *SEC. 11. Section 727.2 of the Welfare and Institutions Code is*  
3 *amended to read:*

4 727.2. The purpose of this section is to provide a means to  
5 monitor the safety and well-being of every minor in foster care  
6 who has been declared a ward of the juvenile court pursuant to  
7 Section 601 or 602 and to ensure that everything reasonably  
8 possible is done to facilitate the safe and early return of the minor  
9 to his or her home or to establish an alternative permanent plan for  
10 the minor.

11 (a) If the court orders the care, custody, and control of the minor  
12 to be under the supervision of the probation officer for placement  
13 pursuant to subdivision (a) of Section 727, the juvenile court shall  
14 order the probation department to ensure the provision of  
15 reunification services to facilitate the safe return of the minor to  
16 his or her home or the permanent placement of the minor, and to  
17 address the needs of the minor while in foster care, except as  
18 provided in subdivision (b) ~~of this section~~.

19 (b) Reunification services need not be provided to a parent or  
20 legal guardian if the court finds by clear and convincing evidence  
21 that one or more of the following is true:

22 (1) Reunification services were previously terminated for that  
23 parent or guardian, pursuant to Section 366.21 or 366.22, or not  
24 offered, pursuant to subdivision (b) of Section 361.5, in reference  
25 to the same minor.

26 (2) The parent has been convicted of any of the following:

27 (A) Murder of another child of the parent.

28 (B) Voluntary manslaughter of another child of the parent.

29 (C) Aiding or abetting, attempting, conspiring, or soliciting to  
30 commit that murder or manslaughter described in subparagraph

31 (A) or (B).

32 (D) A felony assault that results in serious bodily injury to the  
33 minor or another child of the parent.

34 (3) The parental rights of the parent with respect to a sibling  
35 have been terminated involuntarily, and it is not in the best interest  
36 of the minor to reunify with his or her parent or legal guardian.

37 If no reunification services are offered to the parent or guardian,  
38 the permanency planning hearing, as described in Section 727.3,  
39 shall occur within 30 days of the date of the hearing at which the  
40 decision is made not to offer services.



1 (c) The status of every minor declared a ward and ordered to be  
2 placed in foster care shall be reviewed by the court no less  
3 frequently than once every six months. The six-month time  
4 periods shall be calculated from the date the minor entered foster  
5 care, as defined in paragraph (4) of subdivision (d) of Section  
6 727.4. If the court so elects, the court may declare the hearing at  
7 which the court orders the care, custody, and control of the minor  
8 to be under the supervision of the probation officer for foster care  
9 placement pursuant to subdivision (a) of Section 727 at the first  
10 status review hearing. It shall be the duty of the probation officer  
11 to prepare a written social study report including an updated case  
12 plan, pursuant to subdivision (b) of Section 706.5, and submit the  
13 report to the court prior to each status review hearing, pursuant to  
14 subdivision (b) of Section 727.4. The social study report shall  
15 include all reports the probation officer relied upon in making his  
16 or her recommendations.

17 (d) Prior to any status review hearing involving a minor in the  
18 physical custody of a community care facility or foster family  
19 agency, the facility or agency may provide the probation officer  
20 with a report containing its recommendations. Prior to any status  
21 review hearing involving the physical custody of a foster parent,  
22 relative caregiver, preadoptive parent, or legal guardian, that  
23 person may present to the court a report containing his or her  
24 recommendations. The court shall consider all reports and  
25 recommendations filed pursuant to subdivision (c) and pursuant to  
26 this subdivision.

27 (e) At any status review hearing prior to the first permanency  
28 planning hearing, the court shall consider the safety of the minor  
29 and make findings and orders which determine the following:

30 (1) The continuing necessity for and appropriateness of the  
31 placement.

32 (2) The extent of the probation department's compliance with  
33 the case plan in making reasonable efforts to safely return the  
34 minor to the minor's home or to complete whatever steps are  
35 necessary to finalize the permanent placement of the minor.

36 (3) Whether there should be any limitation on the right of the  
37 parent or guardian to make educational decisions for the minor.  
38 That limitation shall be specifically addressed in the court order  
39 and may not exceed what is necessary to protect the minor. If the  
40 court specifically limits the right of the parent or guardian to make

1 educational decisions for the minor, the court shall at the same time  
2 appoint a responsible adult to make educational decisions for the  
3 minor pursuant to Section ~~361~~ 726.

4 (4) The extent of progress that has been made by the minor and  
5 parent or guardian toward alleviating or mitigating the causes  
6 necessitating placement in foster care.

7 (5) The likely date by which the minor may be returned to and  
8 safely maintained in the home or placed for adoption, appointed  
9 a legal guardian, permanently placed with a fit and willing relative  
10 or referred to another planned permanent living arrangement.

11 (6) In the case of a minor who has reached 16 years of age, the  
12 court shall, in addition, determine the services needed to assist the  
13 minor to make the transition from foster care to independent  
14 living.

15 The court shall make these determinations on a case-by-case  
16 basis and reference in its written findings the probation officer's  
17 report and any other evidence relied upon in reaching its decision.

18 (f) At any status review hearing prior to the first permanency  
19 hearing, the court shall order return of the minor to the physical  
20 custody of his or her parent or legal guardian unless the court finds,  
21 by a preponderance of evidence, that the return of the minor to his  
22 or her parent or legal guardian would create a substantial risk of  
23 detriment to the safety, protection, or physical or emotional  
24 well-being of the minor. The probation department shall have the  
25 burden of establishing that detriment. In making its determination,  
26 the court shall review and consider the social study report,  
27 recommendations, and the case plan pursuant to subdivision (b) of  
28 Section 706.5, the report and recommendations of any child  
29 advocate appointed for the minor in the case, and any other reports  
30 submitted to the court pursuant to subdivision (d), and shall  
31 consider the efforts or progress, or both, demonstrated by the  
32 minor and family and the extent to which the minor availed himself  
33 or herself of the services provided.

34 (g) At all status review hearings subsequent to the first  
35 permanency planning hearing, the court shall consider the safety  
36 of the minor and make the findings and orders as described in  
37 paragraphs (1), (2), (4), and (6) of subdivision (e). The court shall  
38 either make a finding that the previously ordered permanent plan  
39 continues to be appropriate or shall order that a new permanent  
40 plan be adopted pursuant to subdivision (b) of Section 727.3.

1 However, the court shall not order a permanent plan of “return to  
2 the physical custody of the parent or legal guardian after further  
3 reunification services are offered,” as described in paragraph (2)  
4 of subdivision (b) of Section 727.3.

5 (h) The status review hearings required by subdivision (c) may  
6 be heard by an administrative review panel, provided that the  
7 administrative panel meets all of the requirements listed in  
8 subparagraph (B) of paragraph (7) of subdivision (d) of Section  
9 727.4.

10 *SEC. 12. Section 4570 of the Welfare and Institutions Code is*  
11 *amended to read:*

12 4570. (a) In order to remain informed regarding the quality  
13 of services in the area and to protect the legal, civil, and service  
14 rights of persons with developmental disabilities, the Legislature  
15 finds that it is necessary to conduct life quality assessments with  
16 consumers served by the regional centers.

17 (b) The department shall enter into an interagency agreement  
18 with the state council, on behalf of the area boards, to conduct the  
19 life quality assessments described in this section. This interagency  
20 agreement shall include assurances that the state council shall not  
21 direct the area boards in their conduct of these assessments or in  
22 the content or format of the annual reports submitted to the council  
23 by the area boards.

24 (c) Consistent with the responsibilities described in this  
25 chapter, the area board, with the consent of the consumer and,  
26 when appropriate, a family member, shall conduct life quality  
27 assessments with consumers living in out-of-home placements,  
28 supported living arrangements, or independent living  
29 arrangements no less than once every three years or more  
30 frequently upon the request of a consumer, or, when appropriate,  
31 a family member. *If a consumer who is eligible to receive a life*  
32 *quality assessment is a dependent of a juvenile court pursuant to*  
33 *Section 300, the assessment may be conducted with the consent of*  
34 *the court or social services agency.* A regional center or the  
35 department shall annually provide the local area board with a list,  
36 including, but not limited to, the name, address, and telephone  
37 number of each consumer, and, when appropriate, a family  
38 member, the consumer’s date of birth, and the consumer’s case  
39 manager, for all consumers living in out-of-home placements,  
40 supported living arrangements, or independent living

1 arrangements, in order to facilitate area board contact with  
2 consumers and, when appropriate, family members, for the  
3 purpose of conducting life quality assessments.

4 (d) The life quality assessments shall be conducted by utilizing  
5 the “Looking at Life Quality Handbook” or subsequent revisions  
6 developed by the department.

7 (e) The assessments shall be conducted by consumers, families,  
8 providers, and others, including volunteer surveyors. Each area  
9 board shall recruit, train, supervise, and coordinate surveyors.  
10 Upon request, and if feasible, the area board shall respect the  
11 request of a consumer and, when appropriate, family member, for  
12 a specific surveyor to conduct the life quality assessment. An area  
13 board may provide stipends to surveyors.

14 (f) A life quality assessment shall be conducted within 90 days  
15 prior to a consumer’s triennial individual program plan meeting,  
16 so that the consumer and regional center may use this information  
17 as part of the planning process.

18 (g) Prior to conducting a life quality assessment, the area board  
19 shall meet with the regional center to coordinate the exchange of  
20 appropriate information necessary to conduct the assessment and  
21 ensure timely followup to identified violations of any legal, civil,  
22 or service rights.

23 (h) Following the ~~conduct~~ *completion* of each life quality  
24 assessment, the area board shall develop a report of its findings and  
25 provide a copy of the report to the consumer, when appropriate,  
26 family members, and the regional center providing case  
27 management services to the consumer. *A copy of the life quality*  
28 *assessment of a consumer who is a dependent of a juvenile court*  
29 *pursuant to Section 300 shall be provided, upon request, to the*  
30 *court or social services agency.* In the event that a report identifies  
31 alleged violations of any legal, civil, or service right, the area  
32 board shall notify the regional center and the department of the  
33 alleged violation. The department shall monitor the regional  
34 center to ensure that violations are addressed and resolved in a  
35 timely manner.

36 (i) Regional centers shall review information from the life  
37 quality assessments on a systemic basis in order to identify training  
38 and resource development needs.

39 (j) (1) On an annual basis, each area board shall prepare and  
40 submit a report to the state council describing its activities and

1 accomplishments related to the implementation of this section.  
2 The report shall include, but not be limited to, the number of life  
3 quality assessments conducted, the number of surveyors,  
4 including those provided stipends, a description of the surveyor  
5 recruitment process and training program, including any barriers  
6 to recruitment, the number, nature, and outcome of any identified  
7 violations of legal, civil, or service rights reported to regional  
8 centers, and recommendations for improvement in the life quality  
9 assessment process.

10 (2) By September 15 of each year, the state council shall  
11 compile these reports and forward to the Governor, the  
12 Legislature, and the department.

13 (k) Implementation of this section shall be subject to an annual  
14 appropriation of funds in the Budget Act for this purpose.

15 *SEC. 13.* Section 16000 of the Welfare and Institutions Code  
16 is amended to read:

17 16000. (a) It is the intent of the Legislature to preserve and  
18 strengthen a child's family ties whenever possible, removing the  
19 child from the custody of his or her parents only when necessary  
20 for his or her welfare or for the safety and protection of the public.  
21 If a child is removed from the physical custody of his or her  
22 parents, preferential consideration shall be given whenever  
23 possible to the placement of the child with the relative as required  
24 by Section 7950 of the Family Code. If the child is removed from  
25 his or her own family, it is the purpose of this chapter to secure as  
26 nearly as possible for the child the custody, care, and discipline  
27 equivalent to that which should have been given to the child by his  
28 or her parents. It is further the intent of the Legislature to reaffirm  
29 its commitment to children who are in out-of-home placement to  
30 live in the least restrictive, most familylike setting and to live as  
31 close to the child's family as possible pursuant to subdivision (c)  
32 of Section 16501.1. Family reunification services shall be  
33 provided for expeditious reunification of the child with his or her  
34 family, as required by law. If reunification is not possible or likely,  
35 a permanent alternative shall be developed.

36 (b) It is further the intent of the Legislature to ensure that all  
37 pupils in foster care and those who are homeless as defined by the  
38 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.  
39 Sec. 11301 et seq.) have the opportunity to meet the ~~same~~  
40 challenging state pupil academic achievement standards to which

1 all pupils are held. In fulfilling their responsibilities to pupils in  
2 foster care, educators, placing agencies, care providers, advocates,  
3 and the juvenile courts shall work together to *maintain stable*  
4 *school placements and to ensure that each pupil is placed in the*  
5 *least restrictive educational program, and has access to the same*  
6 ~~*academic resources and services programs, and has access to the*~~  
7 *academic resources, services, and extracurricular and enrichment*  
8 *activities* that are available to all pupils. In all instances,  
9 educational and school placement decisions must be based on the  
10 best interests of the child.

11 ~~SEC. 10.~~

12 *SEC. 14.* Notwithstanding Section 17610 of the Government  
13 Code, if the Commission on State Mandates determines that this  
14 act contains costs mandated by the state, reimbursement to local  
15 agencies and school districts for those costs shall be made pursuant  
16 to Part 7 (commencing with Section 17500) of Division 4 of Title  
17 2 of the Government Code. If the statewide cost of the claim for  
18 reimbursement does not exceed one million dollars (\$1,000,000),  
19 reimbursement shall be made from the State Mandates Claims  
20 Fund.

